

## **Remarks**

Claims 1-29 are pending in this application. Claims 1, 19, and 29 have been amended, and no claims have been added or canceled.

Applicants wish to thank the Examiner for extending the courtesy of a telephone interview on April 20, 2004, during which the Lind reference and proposed claim and title amendments were discussed. Reconsideration of this application is respectfully requested in light of the above amendments and the following remarks.

### **Title**

The Examiner has objected to the title as not descriptive. As agreed upon in the aforementioned telephone interview, Applicants have amended the title to state "TWO-PIECE PALLET." Accordingly, Applicants respectfully request reconsideration and withdrawal of this objection to the specification.

### **Allowable Subject Matter**

Applicants appreciate the Examiner's indication that claims 20-28 are allowable.

### **Rejection of Claims 1-2, 4-6, 8, 10-11, 13-15, 19 and 29 Under 35 U.S.C. § 102(b) Over Lind**

Claims 1-2, 4-6, 8, 10-11, 13-15, 19, and 29 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,824,933 issued to Lind ("Lind"). Claims 1, 19, and 29 have been amended herein in order to more particularly point out and distinctly claim the subject matter of the invention.

Specifically, claim 1 has been amended to clarify the term "complementary," now reciting "the projections having a shape generally complementary to the shape of the recesses," support for which can be found, for example, at p. 9, lines 18-29 of the specification and in FIGS. 1, 4-5, and 13-14. This feature is clearly not disclosed or suggested

by Lind, as Lind's projections 36 and openings 32 are entirely different from one another in shape and not complementary (i.e., do not serve to fill out or complete one another) as in Applicants' claimed invention. Therefore, claim 1 is believed to be patentably distinguishable over Lind, and reconsideration and withdrawal of the rejection of this claim and its corresponding dependent claims is respectfully requested.

Claim 19 has been amended as agreed upon in the telephone interview to clarify that "each projection includes angled faces on opposed sides thereof and each recess includes angled faces on opposed sides thereof, the angled faces of the projections engaging the angled faces of the recesses," support for which can be found, for example, at p. 8, line 24 - p. 9, line 4 of the specification and in FIGS. 13-14. Lind's projections do not include angled faces on opposed sides thereof, nor do Lind's openings 32 include this feature. Therefore, claim 19 is believed to be patentably distinguishable over Lind, and Applicants respectfully request reconsideration and withdrawal of the rejection of claim 19 and its corresponding dependent claims.

Claim 29 has been amended to recite "each mating area including alternating projections and recesses, each projection having a periphery, wherein the projections of the first deck are arranged to be received by the recesses of the second deck and engaged by the recesses on a majority of the periphery thereof, and the projections of the second deck are arranged to be received by the recesses of the first deck and engaged by the recesses on a majority of the periphery thereof." Support for this amendment can be found, for example, in FIGS. 1, 4-5, and 13-14. In contrast, Lind's projections 36 are not engaged by openings 32 on a majority of the projection periphery as claimed by Applicants. Instead, only one side of Lind's projection 36 is engaged by opening 32, with the opposed side engaged by another projection 36 and a top edge of projection 36 not engaged at all (*see* Lind, FIG. 4). Accordingly, claim 29 is believed to be patentably distinguishable over Lind, and Applicants respectfully request reconsideration and withdrawal of the rejection of this claim under 35 U.S.C. § 102(b).

Turning now to claim 11, Applicants respectfully traverse the rejection of this claim over Lind. As discussed in the telephone interview, claim 11 recites that “the projections of the lower deck are arranged to be securely received by the recesses of the upper deck and the projections of the upper deck are arranged to be securely received by the recesses of the lower deck, resulting in a *non-planar parting line* between the upper and lower decks *on external surfaces of the mating areas*” (see, for example, FIGS. 1 and 4-5; emphasis added). This feature of Applicants’ invention is neither disclosed nor suggested by Lind. In contrast, Lind’s parting line (the line joining locking lugs 16 of pallet halves 12 and 14) along the external surfaces of the locking lugs 16 is clearly planar (see Lind, FIGS. 1 and 3). Accordingly, claim 11 is believed to be patentably distinguishable over Lind, and Applicants respectfully request reconsideration and withdrawal of the rejection of this claim and its corresponding dependent claims under 35 U.S.C. § 102(b).

**Rejection of Claims 1, 3, 7, 9, 11-12, and 16-18  
Under 35 U.S.C. § 103(a) Over Lind and Apps**

Claims 1, 3, 7, 9, 11-12, and 16-18 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Lind in view of U.S. Patent No. 6,006,677 issued to Apps et al. (“Apps”). As discussed above, claims 1 and 11 are believed to be patentably distinguishable over Lind. Applicants assert that these claims are also patentably distinguishable over the combination of Lind and Apps, as Apps also fails to disclose “the projections having a shape generally complementary to the shape of the recesses” as recited in claim 1 and “a non-planar parting line between the upper and lower decks on external surfaces of the mating areas” as recited in claim 11. Instead, with reference to claim 1, Apps discloses projections and recesses which are different from each other in shape (see Apps, FIG. 17). With reference to claim 11, Apps discloses a planar parting line on the external surfaces of the mating areas (see Apps, FIG. 1). Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1 and 11, along with their corresponding dependent claims, under 35 U.S.C. § 103(a).

## Conclusion

In summary, Applicants believe that the claims meet all formal and substantive requirements and that the case is in appropriate condition for allowance. Accordingly, such action is respectfully requested. If a telephone conference would expedite allowance of the case or resolve any further questions, such a call is invited at the Examiner's convenience.

Respectfully submitted,

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